

ANTIGUA AND BARBUDA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Antigua and Barbuda is a multiparty parliamentary democracy. The prime minister is the head of government and King Charles III is the head of state, represented by a governor general. The ruling Antigua and Barbuda Labour Party won a majority of seats in parliamentary elections, held in 2018. Observers deemed the elections free and fair.

Security forces consist of the Royal Police Force of Antigua and Barbuda, prison guard service, immigration officers, airport and port security personnel, Antigua and Barbuda Defense Force, and Office of National Drug and Money Laundering Control Policy. National security, including police and prison guards, falls under the supervision of the attorney general, who is also the minister of legal affairs, public safety, and labor. Immigration falls under the Ministry of Foreign Affairs, International Trade, and Immigration. The Ministry of Finance is responsible for money-laundering policy. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included reports of government corruption and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although those laws were not enforced, and the High Court ruled them unconstitutional in July.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no reports that government officials employed them. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh due to overcrowding and inadequate sanitary conditions.

Abusive Physical Conditions: The country's sole prison was built in 1735 to hold 150 prisoners, but as of September, it held 233. Prison officials reported the overcrowded and aging prison structures were not adequate for prisoner rehabilitation. They noted the main infrastructure problems were lack of adequate toilet facilities and garbage disposal.

Administration: The superintendent of prisons reviews mistreatment reports and forwards them to a prison-visiting committee for further investigation.

Independent Monitoring: The government permits prison visits by independent human rights observers, but no visits occurred during the year.

Improvements: In January media reported prison officials improved living conditions by setting up 36 containers to house more beds and installing a new shower and toilet facility. Officials also constructed new office space and a perimeter fence and expanded prisoner education access, enabling six prisoners to take part in virtual university courses.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law permits police to arrest a person without a warrant, based on a suspicion of criminal activity. Police must bring detainees before a court within 48 hours of arrest or detention or file a motion requesting an extension. The law stipulates prisoners must be released if these time limits are not met. There is a functioning bail system, but a person charged with murder cannot obtain bail. The government pays for the cost of a lawyer in capital cases if a defendant is unable to afford one.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial by jury, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies through domestic courts for human rights violations. They may apply to the High Court for redress of alleged violations of their constitutional rights. They may appeal adverse domestic decisions to the Eastern Caribbean Supreme Court.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media, on a somewhat limited basis.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations in assisting refugees and asylum seekers.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government handles asylum requests on an ad hoc basis.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the most recent elections, held in 2018, the Antigua and Barbuda Labour Party won 15 of 17 seats in the House of Representatives and Gaston Browne was subsequently named prime minister. The Caribbean Community Observation Mission and a Commonwealth Observer Group monitored the elections. In their initial report, monitors noted the electoral boundaries had seen only minor adjustments since 1984, leading to large disparities in voter populations in different electoral districts. The monitors stated that despite problems with the electoral process, the results “reflected the will of the people.”

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government

had not fully implemented the law. Media reported allegations of corruption by officials during the year. Media and private citizens reported government corruption was widespread and endorsed at the highest levels of government.

Corruption: The government pursued corruption cases, but media noted public discontent that some cases of high-level corruption were unpunished. The Citizenship by Investment Program was a critical source of government revenue. Although the unit running the program claimed to make public its semiannual reports, the government's most recent published update covered January 1 – June 30, 2020. This delayed publication contributed to criticism that the program lacked full transparency and led to concerns by civil society and opposition political leaders regarding oversight and the potential for misuse of funds.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: An independent ombudsman appointed by Parliament handles public complaints against police, government officials, and government offices. The ombudsman takes complaints, conducts investigations, and then makes recommendations to the relevant authorities. Civil society groups generally considered the ombudsman effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law establishes sentences ranging from 10 years' to life imprisonment for conviction of the rape of women. The law also addresses rape of men and establishes sentences of five years' to life imprisonment if convicted. Spousal rape is illegal under certain limited circumstances, such as after a legal separation, with a punishment of 15 years' imprisonment if convicted.

The government enforced the law.

Violence against women, including rape and spousal abuse, continued to be a serious problem. The law prohibits domestic violence, but the law was not enforced. Media and nongovernmental organizations (NGOs) reported an increase in cases of rape and gender-based violence, especially among younger women. Authorities stated they had several domestic violence programs, including training for law enforcement officers, health-care professionals, counselors, social workers, immigration officers, and army officers.

Sexual Harassment: The law covers assault; it does not prohibit sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage. Sexual and reproductive health information and services were generally affordable and accessible to all.

The government provided access to sexual and reproductive health services, including emergency contraception for survivors of sexual violence, through the Ministry of Social Transformation, Human Resource Development, and the Blue Economy.

Discrimination: The law provides the same legal status and rights for women and men. According to government officials, the law requires equal pay for equal work. The law does not specifically prohibit sexual harassment in the workplace. The labor code stipulates it is unlawful for an employer to discriminate against an individual because of his or her gender. The Ministry of Labour reported that it did not receive any complaints of employment discrimination during the year.

Systemic Racial or Ethnic Violence and Discrimination

The law protects all citizens from broad forms of discrimination, and the law was enforced. The country does not have a racially or ethnically diverse population. Approximately 91 percent of the population is Black, and approximately 87

percent of the Black population is of African descent. According to the government, systemic racial or ethnic discrimination was not a concern. There were no reports of systemic discrimination.

Children

Birth Registration: Citizenship is acquired by birth in the country, and the government registers all children at birth, without discrimination. Children born abroad to citizen parents may be registered by either parent.

Child Abuse: Child abuse remained a significant problem. There were several media reports of sexual and physical abuse of children during the year. The law on child abuse includes provisions regarding child-care services and the placing of abused children in the care of government authorities. The law stipulates a significant fine or three years in prison for conviction of child abuse. In extreme cases, the government removes children from their homes and places them in foster care or into a government-run or private children's home.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for both men and women. Children ages 16-17 may marry with parental consent. Marriage when either partner was younger than 18 was rare.

Sexual Exploitation of Children: Child pornography is illegal and subject to large fines and up to 20 years in prison. The minimum age for consensual sex is 16.

Antisemitism

The Jewish community was very small, and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: In July the Antigua and Barbuda High Court ruled unconstitutional sections of the Sexual Offences Act that criminalize certain sexual activities between same-sex consenting adults. The change came about after an openly homosexual man and a local NGO challenged the act in court, arguing sections pertaining to consensual same-sex acts between adults violated their constitutional rights. Previously, sodomy was criminalized in the Sexual Offences Act under indecency statutes, with a maximum penalty of 15 years' imprisonment, and consensual same-sex sexual conduct between men or between women was criminalized, with a maximum penalty of up to five years' imprisonment. Laws regarding sodomy and same-sex sexual conduct were not enforced.

Violence against LGBTQI+ Persons: There were no reports of violence committed against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons due to their actual or perceived sexual orientation.

Discrimination: No law specifically prohibits discrimination against LGBTQI+ persons. Discrimination was widespread in the workplace, at school, and in access to health care.

Availability of Legal Gender Recognition: Individuals are not allowed to change their gender identify marker on legal and identification documents to align with their self-identified gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of widespread coercive medical or psychological practices targeting LGBTQI+ individuals to change a person's sexual orientation or gender identity or expression.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions of freedom of expression, association, or peaceful assemble regarding LGBTQI+ matters.

Persons with Disabilities

NGOs and private citizens reported that individuals with disabilities faced unequal access to education, employment, public buildings, and transportation. NGOs reported that a small percentage of children with disabilities attended public schools, especially at the secondary level and above. Learners with disabilities usually attended specialized schools because traditional public schools did not have the resources to assist them. NGOs reported that families unable to pay for private education often kept children with disabilities hidden away at home.

The law prohibits any form of discrimination based on disability and stipulates a moderate fine or two years' imprisonment for violations. Authorities stated the law requires that persons with disabilities must be able to access education, health services, public buildings, and transportation on an equal basis with all other persons; however, the law was not fully implemented or enforced.

Other Societal Violence or Discrimination

Media reported some incidents of discrimination based on religious beliefs. In August, media reported that a Rastafarian kindergarten student was denied access to a private school due to wearing her hair in traditional Rastafarian locks. The government and public strongly condemned the discrimination.

An NGO representative reported that fear, stigma, and discrimination impaired the willingness of some persons with HIV to obtain treatment. Anecdotal evidence suggested employers dismissed and discriminated against employees with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of public-sector and private-sector workers to form and join independent unions. The law also provides for the right to bargain collectively and conduct legal strikes, but it imposes restrictions on the right to strike. The Court of Industrial Relations may limit the right to strike in a dispute. Once either party to a dispute requests the court to mediate, there can be no strike.

Due to delays associated with this process, unions often resolve labor disputes before a strike is called. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity.

Freedom of association and the right to collective bargaining were generally respected for citizen workers as well as migrant laborers. Unions said some foreign workers reported that employers threatened withdrawal of their worker permits if they joined a union. There were no reports of antiunion discrimination, nor were there any reports of violations of collective bargaining rights.

Workers who provide essential services (including water, electricity, hospital, fire, prison, air traffic control, meteorology, telecommunications, government printing office, and port authority) must give two weeks' notice of intent to strike. If either party to a dispute requests court mediation, strikes are prohibited under penalty of imprisonment for any private-sector worker and some government workers. The Industrial Relations Court may issue an injunction against a legal strike when the national interest is threatened or affected. The law prohibits retaliation against strikers.

Penalties for violating labor laws range from a minor fine to two months in prison and were commensurate with those for denials of other civil rights. Penalties were regularly applied against violators. The government enforced the right of association and collective bargaining. Administrative and judicial procedures, however, were often subject to lengthy delays and appeals.

Unions and private citizens reported a decline in respect for workers' rights during the pandemic that continued during the year, as well as a need for more meaningful engagement of all stakeholders regarding labor policies.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government did not receive any complaints of forced labor. The Office of National Drug and Money Laundering Control Policy investigates cases of trafficking in persons, including forced labor allegations. The law prescribes penalties of 20 to 30 years' imprisonment and significant fines. The government effectively

enforced laws on forced labor.

c. Prohibition of Child Labor and Minimum Age for Employment

Laws collectively prohibit the worst forms of child labor, but specific details are not in any single statute. The government enforced child labor laws effectively, and there were no reports of child labor law violations. Penalties were regularly applied.

The law stipulates a minimum working age of 16, although work prohibitions do not apply to family businesses. In some circumstances, children younger than 16 are eligible for employment with restrictions, such as not working during school hours and working a maximum number of hours. Persons younger than 18 may not work past 10 p.m., except in certain sectors, and in some cases must have a medical clearance to obtain employment. No list of types of hazardous work exists for the protection of those younger than 18.

The law requires the Ministry of Labour to conduct periodic inspections of workplaces. There were no reports of illegal child labor; however, there were no child labor inspections. The law allows for a small financial penalty or three months in prison for violations. Penalties were less than for analogous serious crimes.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, skin color, sex, age, national origin, citizenship, political beliefs, and disability. Penalties include a fine and up to 12 months in prison. Penalties were commensurate with civil rights penalties and were regularly applied. The Ministry of Labour did not receive any discrimination complaints during the year. During the year, Parliament amended the labor code to increase maternity leave from 12 to 14 weeks. Gender-based violence and harassment in the workplace existed but was not prevalent.

The law does not prohibit employment discrimination based on religion, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status, but the government encouraged employers not to discriminate on

these grounds.

The government extended amnesty through June to illegal and undocumented immigrants, allowing them the opportunity to regularize their status and become legal, tax-paying workers.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government does not have an established poverty income level. Most workers earned substantially more than the minimum wage. The government increased the minimum wage in November for the first time since 2015.

The law provides that workers are not required to work more than a 48-hour, six-day workweek. The law requires that employees be paid for overtime work at one and one-half times their basic hourly wage after exceeding 40 hours in the workweek. The Ministry of Labour put few limitations on overtime, allowing it in temporary or occasional cases, but did not allow employers to make regular overtime compulsory. Penalties for illegal overtime did not always effectively deter labor violations.

Occupational Safety and Health: The law includes occupational safety and health (OSH) provisions, but some are out of date. Government entities responsible for OSH identified unsafe conditions, including lack of personal protective equipment against COVID-19, in addition to responding to workers' OSH complaints. The Ministry of Labour reported that workers were allowed to remove themselves from unsafe situations that endangered their health or safety without jeopardizing their employment. The ministry has the authority to require special safety measures not otherwise defined in the law for worker safety. Penalties for violations of OSH laws were not always commensurate with those for similar crimes, such as negligence. In February, media reported that a police welfare association complained of the unsanitary working conditions of police stations, lack of uniforms, medical insurance, and inadequate risk allowance for officers.

Wage, Hour, and OSH Enforcement: Labor inspectors are responsible for enforcement of labor laws in the formal and informal sectors. The government

reported there were seven labor inspectors, which was insufficient to enforce full compliance per International Labor Organization benchmarks. Inspectors have authority to conduct unannounced inspections. No safety violations were reported.

Informal Sector: The government estimated that 15 percent of the workforce was in the informal sector and that the informal sector contributed 25-30 percent of economic output. Informal-sector employment was unregulated and unreported. All informal workers are required to contribute to social security and medical national insurance to access benefits.